

IAP16 Rec'd PCT/PTO 25 SEP 2006

101594082

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KLOCKE 3

|                              |   |                    |
|------------------------------|---|--------------------|
| In re Application of:        | ) | Conf. No.:         |
| Carsten KLOCKE et al.        | ) |                    |
|                              | ) |                    |
| IA No: PCT/DE2004/001093     | ) | Art Unit:          |
|                              | ) |                    |
| IA Filed: May 26, 2004       | ) | Examiner:          |
|                              | ) |                    |
| Appln. No.: Not yet assigned | ) | Washington, D.C.   |
|                              | ) |                    |
|                              | ) | September 25, 2006 |
| For: PACKAGING COMPRISING AN | ) |                    |
| APPLICATOR FOR APPLYING...   | ) |                    |

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

B. before the mailing date of a first office action on the merits or before the mailing of a first Office

action after the filing of a Request for Continued Examination under 37 CFR §1.114; or

[ ] C. after (A) and (B) above, but before final rejection or allowance, and Applicant has made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below):

[ ] i. Counsel certifies that, upon information and belief, each item of information listed herein either was

[ ] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[ ] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, not known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.

[ ] ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in 37 CFR §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035 of the undersigned.

[ ] D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant states as follows under 37 CFR §1.97(e) for consideration of this IDS, that, upon information and belief, each item of information listed herein either was

[ ] (a) first cited in a communication from a foreign patent office in a counterpart foreign

application not more than three months prior to the filing of this IDS; or

[ ] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, not known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.

Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in 37 CFR §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035 of the undersigned.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form BN/SB/08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Other than U.S. patent(s) and/or published U.S. application(s), which 37 CFR §1.98(a)(2)(ii) does not require to be filed unless specifically required by the Office, a copy of each document listed is attached, except as explained below:

[ ] A. Document(s) \_\_\_\_\_ is/are deemed substantially cumulative to document(s) \_\_\_\_\_, and, in accordance with 37 CFR §1.98(c), a copy of each of the former document(s) is not enclosed.

[ ] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

*(insert serial numbers and filing dates of prior applications)*  
Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449, PTO/SB/08a and/or PTO/SB/08b (or their BN form equivalents) from the files of the prior application(s) or a fresh BN/SB/08A and/or BN/SB/08B listing these documents, and request that they be considered and made

of record in accordance with 37 CFR §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

[X] 3. Document(s) \_\_\_\_\_ is/are not in the English language. In accordance with 37 CFR §1.98(a)(3), Applicant states:

[X] An English translation of each document AF (or of the pertinent portions thereof), or a copy of an English-language abstract (or claim) is enclosed.

[ ] For documents \_\_\_\_\_, a corresponding English-language patent or published application is included on the accompanying Form BN/SB/08A, with a line drawn in the margin connecting the non-English-language document with its corresponding English-language document.

[X] A concise explanation of the relevance of document(s) AC-AE is found in the attached International search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

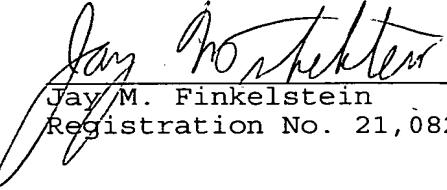
[ ] 5. Other information being provided for the examiner's consideration follows:

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

By:

  
Jay M. Finkelstein  
Registration No. 21,082

JMF:cac  
624 Ninth Street, N.W., Suite 300  
Washington, D.C. 20001-5303  
Telephone: (202) 628-5197  
Facsimile: (202) 737-3528

|  |   |                          |                      |                        |          |
|--|---|--------------------------|----------------------|------------------------|----------|
| Substitute for form 1449A/PTO                            |   | <b>Complete if Known</b> |                      |                        |          |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   | Application Number       | Not yet assigned     |                        |          |
| (use as many sheets as necessary)                        |   | Filing Date              | September 25, 2006   |                        |          |
|  |   | First Named Inventor     | Carsten KLOCKE et al |                        |          |
|  |   | Group Art Unit           |                      |                        |          |
|  |   | Examiner Name            |                      |                        |          |
| Sheet  | 1 | of                       | 2                    | Attorney Docket Number | KLOCKE 3 |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.